

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

FILED  
U.S. DISTRICT COURT  
ATLANTA, GA.

2003 OCT 20 P 4:24

*Bill Clary*  
CLERK

BOBBY GENE WATERS, JR., )  
Plaintiff, )  
v. ) CV 308-094  
BRUCE CHAPMAN, Warden at Dooly )  
State Prison, )  
Defendant. )

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**O R D E R**

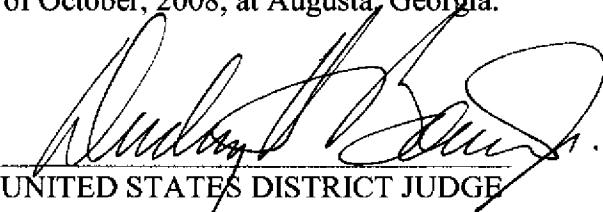
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The above-captioned case was filed in the Dublin Division of the United States District Court for the Southern District of Georgia. Although Plaintiff is incarcerated at Dodge State Prison, in Chester, Georgia, his complaint details allegations against the Warden of Dooly State Prison, located in Dooly County, situated in the Middle District of Georgia. As such, the proper venue for this action is in the Macon Division of the Middle District of Georgia, not the Southern District of Georgia. 28 U.S.C. § 1391(b).

In the interest of justice, instead of dismissing this action, the Court may transfer the case to the court in which venue would be proper. 28 U.S.C. § 1406(a). Because it appears that the case should have been filed in the Middle District of Georgia, transfer to that District is appropriate.

Therefore, it is **HEREBY ORDERED** that the above-captioned case is **TRANSFERRED** to the United States District Court for the Middle District of Georgia, Macon Division, for further consideration. The Clerk of Court is **DIRECTED** to immediately forward the file to that district.

SO ORDERED this 20<sup>th</sup> day of October, 2008, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE